UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,993	04/05/2001	Roland L. Fernandez	MS 154593.2/40062.108USU1	5192

27488 7590 04/04/2005

MICROSOFT CORPORATION
C/O MERCHANT & GOULD, L.L.C.
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
PILLAI, NAMITHA	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/827,993	FERNANDEZ ET AL.	
	Examiner	Art Unit	
	Namitha Pillai	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,17-28 and 30-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, 17-28 and 30-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 November 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-15, 17-28 and 30-33 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6, 668, 354 B1 (Chen et al.), herein referred to as Chen.

Referring to claim 1, Chen discloses a computer system configured for providing themes for graphical components, in a graphical operating systems environment such as windows, which includes an operating system that has the ability to display windows, the computer system having memory (column 1, lines 60-67). Chen also discloses a selecting module receiving a user request for a selected theme having an associated non-binary theme file with theme properties accessible by one or more processes (column 1, lines 36-39 and column 8, lines 45-50). Chen discloses a converting module converting the associated non-binary theme file into a binary theme file to facilitate retrieval of theme properties (column 3, lines 25-41). Chen also discloses a loading module loading the binary theme file into the memory so that themes can be applied to the graphical components (column 8, lines 45-55).

Referring to claim 2, Chen discloses a plurality of processes, each process accessing the binary theme file (column 8, lines 45-48).

Referring to claim 3, Chen discloses an update handle module receiving a theme handle request from a graphical component and distributing a theme handle if the graphical component is found in the binary theme file so that the graphical component can use the theme properties of the binary theme file and a close handle module closing the theme handle and decrementing a reference count on the shared memory in response to process termination so that a theme handle can be closed when a binary theme file is loaded (Figure 7A).

Referring to claim 4, Chen discloses a notification module notifying the processes that a new theme file has been loaded (column 3, lines 37-41).

Referring to claim 5, Chen discloses a schema file parsing module parsing a schema file containing a list of all themeable graphical components and properties (column 3, lines 30-35). Chen also discloses a theme specification file parsing module parsing a theme specification file specifying graphical component sizes and colors (column 3, lines 30-35). Chen also discloses a building module building a binary theme file containing the graphical components, properties, sizes, and colors in a binary format (column 7, lines 30-40).

Referring to claim 6, Chen discloses that binary format is hierarchical, there being a data section for each hierarchy, the sections being a global section, a class section, a parts section, and a states section (column 8, lines 27-36).

Referring to claim 7, Chen discloses converting module further builds a packed data object section having all the theme properties for a class, part, and state (column 8, lines 37-38).

Referring to claims 8 and 21, Chen discloses a method for creating a visual style for a set of graphical components for use on a computer system having a graphical operating environment and processes with shared memory (column 1, lines 60-67). Chen discloses selecting graphical

components from a schema file of graphical components, that are desired to have a defined visual style, each component being defined by a unique class name (column 4, lines 4-9). Chen also discloses assigning properties to the selected components according to the defined visual style so that each selected component has assigned properties (column 4, lines 9-10). Chen also discloses grouping the pairs of selected graphical components and corresponding assigned properties for the defined visual style together in a class data file, converting the class data file into a binary theme file having a class data section having class names and assigned properties in a binary format and loading the binary theme file into the shared memory so that a visual style can be used to render graphical components (column 4, lines 5-25).

Referring to claims 9 and 22, Chen discloses that the graphical components defined within the schema file of graphical components have one or more part names associated with at least one class name, and the converting act further comprises creating a part property data section in the binary theme file, the part property data section having the one or more part names and the assigned properties (column 4, lines 4-13).

Referring to claims 10 and 23, Chen discloses that the graphical components defined within the schema file of graphical components have one or more state names associated with at least one defined part name, and the converting act further comprises creating a state property data section in the binary theme file, the state property data section having the one or more state names and the assigned properties (column 4, lines 4-13).

Referring to claims 11 and 24, Chen discloses identifying some properties as global properties, creating in the binary theme file a global properties section having the global

properties to be used when a class name, part name, or state name cannot be found in the binary theme file (column 4, lines 4-13).

Referring to claims 12 and 25, Chen discloses a list of available properties is within the first schema file of graphical components, that may be selected in the selecting step for each graphical component, part and state (column 4, lines 4-13).

Referring to claims 13 and 26, Chen discloses identifying a derived property for a graphical component and associating a unique numeric identifier with the derived property to create a derived property identifier (column 3, lines 32-34). Chen also discloses identifying one or more primitive properties for each derived property, wherein each primitive property has associated property data having a length, associating a unique numeric identifier with each primitive property, to create a primitive property identifier, calculating the lengths of each of the associated property data, selecting a derived property identifier, writing a binary tagged data module to a tagged data memory offset in the class data section of the binary file wherein the binary tagged data module contains the selected derived property identifier, the one or more, primitive property identifiers, the associated property values, and each of the property values' lengths and writing an associated parent part offset after each binary tagged data module, the associated parent part offset being a memory offset into the global class section (Figure 7A and column 6, lines 30-60).

Referring to claims 14 and 27, Chen discloses obtaining the memory offset of a binary tagged data module for a state and writing the memory offset to a second memory offset in a state jump table in the binary theme file (column 6, lines 35-50).

Referring to claims 15 and 28, Chen discloses writing the second memory offset to a third memory offset in a part jump table in the binary theme file (column 4, lines 38-47).

Referring to claims 17 and 30, Chen discloses a method of retrieving graphical component theme property data on a computer system having a graphical operating system and processes (column 1, lines 8-11). Chen discloses receiving a rendering request from a graphical component of one of the processes in the graphical operating system (Figure 9), the request having a theme handle and a component state accessing a binary theme file to retrieve theme property data for the requesting process (Figure 7A) and retrieving graphical component theme property data from the binary theme file (column 6, lines 60-65).

Referring to claims 18 and 31, Chen discloses retrieving an offset into a class data section of the binary theme file, the class data section having theme property data for a class in binary format (column 6, lines 40-45), performing a binary search for class property data at the offset determining if class property data exists at the offset and jumping to a global data section of the binary theme file having global theme property data, if no class property data is found and retrieving global theme property data from the global data section (column 7, lines 11-17).

Referring to claims 19 and 32, Chen discloses retrieving an offset into a part jump table section of the binary theme file, the part jump table section having theme property data for a part in binary format performing a binary search for part property data at the offset determining if part property data exists at the offset, jumping to a class data section of the binary theme file having theme property data for a class, if no part property data is found and retrieving class theme property data from the class data section (column 7, lines 11-17).

Referring to claims 20 and 33, Chen discloses retrieving a memory offset into a part jump table section of the binary theme file, retrieving from the part jump table section a second memory offset into a state jump table section and jumping to the second memory offset of the binary theme file having state theme property data and retrieving state theme property data from the state theme property data section (column 6, lines 38-50).

Response to Claim Changes

2. The Examiner acknowledges Applicant's amendments to claims 1, 17 and 30 to better specify the present invention. However all claims are rejected as being previously disclosed in prior art.

Response to Arguments

3. Applicant's arguments filed 11/23/04 have been fully considered but they are not persuasive.

With respect to Applicant's arguments that the graphical user interface tool and the script generator of Chen are different from the theming system of the present invention. The tool and the script generator both represent means for accessing theme data, based on user selection, processes carrying out generation of theme data.

With respect to Applicant's arguments that Chen only refers to display for a markup document of a web content. As per the present claims, there is only the determination of theme data and generation for display of this theme data, wherein there is no specific details of the generation of a display that is not a markup document. Chen therefore does teach the generation of data for a documents, wherein this includes the documents that the theme data is generated for within the present claims.

With respect to Applicant's arguments that Chen is not applicable to creation of themes for user interfaces and only applies to the creation of a HTML document format and appearance in a web browser. Chen through this determination and creation of an HTML document format, has created the themes, wherein this format would represent a theme that is applied to a document to determine the appearance of a document. Furthermore, the present claims do not point out any specific types of documents that are created from the theme data. The arguments further do not point, why the document type, wherein the document may belong in a web browser would make Chen can invalid prior art.

With respect to Applicant's arguments Chen does not mention creating a class data section in the class data file. Chen discloses creating data format documents that can represent files and class data files. Class data is represented as information or a set of information that is contained within a distinct topic, wherein all items fall under that set or topic. The files of Chen discloses a hierarchy system and container method through which data is stored in the files, thereby these files represent class data files and the generation of this data teaches creating a class data section in the class data file.

With respect to Applicant's arguments that Chen does not receive a render request from a graphical component of a process in the graphical operating system. Chen discloses a graphical operating system, such as an operating system that allows for the display of windows with a number of processes that is to carry out the functions of the system of Chen (Figure 9), these process are represented as rules and codes for carrying out functionalities. These processes receive the requests for theme data and wherein these module representing processes determine the theming that is to be used (column 8, lines 50-55).

With respect to Applicant's arguments that Chen does not disclose converting the class data file into a binary theme file having a class data section with class names and loading this binary file into memory. Chen discloses after creation of the data files of theme data, execution of the code, wherein execution of code or instructions results in the data taking a binary form, wherein the operating system can determine the functions to be carried by interpreting this binary data, wherein this data is representative of the class data files that were generated.

With respect to Applicant's arguments Chen does not disclose accessing a binary theme file to retrieve theme property data for the requesting process and retrieving graphical component theme property data from the binary theme file. Chen discloses the use of theme data in file format, wherein this data does include binary data and retrieving this binary data which further represent theme property data, wherein certain process carry out the retrieval and transmitting of theme property data for a graphical component (column 8, lines 15-35).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
March 29, 2005

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER